



**Minutes**  
**Town of Lake Park, Florida**  
**Regular Commission Meeting**  
**January 3, 2007 7:30 p.m.**

**Town Commission Chambers, 535 Park Avenue**

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, January 3, 2007 at 7:30 p.m. Present were Mayor Castro, Vice-Mayor Daly, Commissioners Balius, Carey, and Osterman, Interim Town Manager Cynthia Sementelli, Attorney Thomas Baird, and Town Clerk Vivian Mendez.

Vivian Mendez led the Invocation.

Mayor Castro led the Pledge of Allegiance.

Town Clerk Vivian Mendez performed the Roll Call.

**ADDITIONS/DELETIONS/APPROVAL OF AGENDA**

Discussion of Town Manager Contract moved to beginning of Agenda.

**Motion: A motion was made by Commissioner Osterman to move discussion of Town Manager Contract to beginning of Agenda; Commissioner Balius made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

**Discussions and Possible Action:**

**Town Manager Contract**

Attorney Thomas Baird stated that there was one outstanding issue which was accumulated leave. He stated that the Town's policy was that accumulated leave was capped at 240 hours. He stated that Maria Davis was requesting that her accumulated leave not be capped. He reviewed the history of accumulated leave for former town managers.

Mayor Castro stated that he was not happy with the contract.

**Motion: A motion was made by Vice-Mayor Daly to approve the new Town Manager**

**Contract; Commissioner Osterman made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro		X	

Motion passed 4-1.

**COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY**

Commissioner Osterman excused herself from the Commission Meeting at 7:45 p.m.

**Mayor Castro**

Mayor Castro congratulated and welcomed Maria Davis as the new town manager.

Mayor Castro stated that he was disappointed in the way that negotiations went with the new town manager contract. He stated that he hoped things would change with their relationship.

Mayor Castro stated that he was disappointed with the way the trees were cut on the right of way.

Mayor Castro asked for the status of the alleyways on Park Ave.

Mayor Castro stated that he was concerned about security issues in the reception area of the Sheriff's Department building. He stated that the budget could be looked at to add an administrative person to the Sheriff's Department.

Mayor Castro asked about the status of the playground area at Lake Shore Park.

Mayor Castro stated that he was very disappointed with the maintenance and upkeep with Lake Shore Park and Kelsey Park.

**Vice-Mayor Daly**

Vice-Mayor Daly stated that he discussed plans for Lake Shore Park with Interim Town Manager Cynthia Sementelli.

Vice-Mayor Daly stated that he would like to see the Sheriff's Department building marked and asked if there could be staff to service the reception area of the building.

Vice-Mayor Daly stated that he would like to see an administrative person or receptionist to occupy the reception area during the day and then someone to come in after hours until 8 or 9pm.

Vice-Mayor Daly stated that he walked through Lake Shore Park and stated that the health trail was gone and there were sand patches and weeds throughout the park. He stated that the shrubbery and mulch has not been maintained at the Marina as well.

**Commissioner Balius**

Commissioner Balius congratulated and welcomed Maria Davis as the new town manager. Commissioner Balius stated that staff did an excellent job on the Employee Step Program and Leave Donation program.

#### **Commissioner Carey**

Commissioner Carey stated that he was happy that the Town was getting a new town manager.

#### **Commissioner Osterman**

Commissioner Osterman welcomed Maria Davis to the Town as the new town manager. Commissioner Osterman stated that her position on the ball field fencing was to wait until there was a clear plan on what to do with the ball field.

#### **Interim Town Manager Cynthia Sementelli**

Interim Town Manager Cynthia Sementelli stated that a new playground was scheduled to be placed in Lake Shore Park.

Interim Town Manager Cynthia Sementelli stated that the last two Town plaques were installed on Monday.

Interim Town Manager Cynthia Sementelli stated that the no-wake zone was ready to be put in. She stated that she was waiting on a FWC permit number. She stated that the no-wake zone will be 200 yards north and 200 yards south.

Interim Town Manager Cynthia Sementelli stated that there would be a conceptual drawing of what will be done at Lake Shore Park. She stated that the heart/health trail would be replaced. She stated that they are researching grants for the restoration of Lake Shore Park.

Interim Town Manager Cynthia Sementelli stated that there were no bids received on the alleyway project. She stated that they are taking the next step and would bring back an update.

#### **Attorney Thomas Baird**

Attorney Thomas Baird welcomed Maria Davis as the new town manager and expressed a Happy New Year to the Commission.

#### **PUBLIC and OTHER COMMENT**

None

#### **CONSENT AGENDA:**

1. Regular Commission Meeting Minutes of December 20, 2006

#### **Public Comment Open.**

None

#### **Public Comment Closed.**

**Motion: A motion was made by Commissioner Balius to approve the Consent Agenda; Vice-Mayor Daly made the second.**

Vote on Motion:

Commission	Aye	Nay	Other
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Member			
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	Absent		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 4-0.

# **PUBLIC HEARING(S)**

## **ORDINANCE ON 2<sup>ND</sup> READING**

### **ORDINANCE NO. 18-2006 – Proportion Share**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 56, ARTICLE IV, SECTION 56-100 OF THE CODE OF ORDINANCES, PERTAINING TO TRANSPORTATION PERFORMANCE STANDARDS TO CREATE NEW CODE SECTION 56-100 TO BE ENTITLED “PROPORTIONATE FAIR-SHARE MITIGATION PROGRAM”; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Attorney Thomas Baird read Ordinance No. 18-2006 by caption only.

### **Public Comment Open.**

*None*

### **Public Comment Closed.**

**Motion: A motion was made by Commissioner Balius to approve Ordinance No. 18-2006 upon 2<sup>nd</sup> reading; Vice-Mayor Daly made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	Absent		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 4-0.

## **RESOLUTION NO. 02-01-07 – Establishing a General Election**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, ESTABLISHING THE TIME AND PLACE OF A GENERAL ELECTION TO BE HELD ON TUESDAY, MARCH 13, 2007 FOR THE PURPOSE OF ELECTING COMMISSIONERS FOR SEAT B AND D FOR THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA; ESTABLISHING THE QUALIFYING/FILING PERIOD FOR SUCH GENERAL ELECTION AS TUESDAY JANUARY 30, 2007 THROUGH TUESDAY FEBRUARY 13, 2007 AT NOON; AND PROVIDING AN EFFECTIVE DATE.**

**Motion: A motion was made by Commissioner Carey to approve Resolution No. 02-01-07; Vice-Mayor Daly made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	Absent		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 4-0.

**Public Comment Open.**

*None*

**Public Comment Closed.**

#### **RESOLUTION 03-01-07 – Employee Leave Donation Program**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, REVISING THE TOWN OF LAKE PARK EMPLOYEE POLICY/HANDBOOK TO PROVIDE FOR AN ANNUAL LEAVE DONATION POOL PROGRAM; AND PROVIDING AN EFFECTIVE DATE**

Commissioner Balius stated that the Employee Leave Donation Program was a very good program.

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Carey to approve Resolution No. 03-01-07; Commissioner Balius made the second.**

Vote on Motion:

Commission	Aye	Nay	Other
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Member			
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	Absent		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 4-0.

### **Quasi-Judicial Hearing**

#### **RESOLUTION NO. 04-01-07 – Nextel Site Plan**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SITE PLAN FOR THE CONSTRUCTION OF A 150 FOOT REPLACEMENT TELECOMMUNICATIONS TOWER AND APPURTENANT BUILDING, SUBJECT TO CONDITIONS OF APPROVAL, TO BE LOCATED ON 570 SQUARE FEET OF GROUND SPACE ON PROPERTY OWNED BY THE TOWN OF LAKE PARK AND LOCATED AT 640 OLD DIXIE HIGHWAY ON THE TOWN'S PUBLIC WORKS HEADQUARTERS SITE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Vivian Mendez swore in all witnesses.

As for having any Ex-Parte communication prior to this Quasi Judicial Hearing the members stated as follows:

Mayor Castro – none

Vice-Mayor Daly – stated that he had a discussion with Paul Carlisle many months ago

Commissioner Balius – none

Commissioner Carey – none

Attorney Karen Roselli stated that she had written the lease agreement with Sprint Nextel. She stated that there were legal issues that had still not been resolved with the existing cell tower. She stated that Nextel was going to build a new replacement tower at the Town's Public Works Department location on Old Dixie Hwy. She stated that the existing cell tower located at the Public Works Department would be torn down. She stated that the Town's antennas would be relocated to the large American Tower which is located a half a mile away.

Mayor Castro asked if there was an ability to co-locate with other providers.

Attorney Karen Roselli stated that there was limited space and other structural issues.

Mayor Castro asked if there would be an ability of other providers to join onto the new tower.

Attorney Karen Roselli stated that the new tower would be a new flag pole design without a flag and would be able to accommodate three new co-locators. She stated that the financial issues were highlighted in the staff report. She stated that the relocation costs should not exceed \$7,500.00 which Nextel would reimburse the Town for. She stated that Nextel would pay rent to



the town annually in advance in the amount of \$21,900.00 which would be increased by 4% annually. She stated that Nextel would also pay the Town \$40,000.00 as a one time capital contribution toward the purchase of a new generator at the Public Works Department. She stated that Nextel would reimburse the Town's attorney fees and professional fees.

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Vice-Mayor Daly to approve Resolution 04-01-07; Commissioner Balius made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	Absent		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 4-0.

**RESOLUTION NO. 01-01-07 – Nextel Tower**

**A RESOLUTION BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A SITE LEASE AGREEMENT WITH NEXTEL SOUTH CORPORATION, A GEORGIA CORPORATION AND PROVIDING AN EFFECTIVE DATE.**

**Motion: A motion was made by Commissioner Balius to approve Resolution 01-01-07; Commissioner Carey made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	Absent		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 4-0.

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Discussions and Possible Action**

**Fence at ball field**

Vice-Mayor Daly asked where the trailer would be placed at the ball field.

Interim Town Manager Cynthia Sementelli stated that there was only one area that the trailer could be placed on the ball field. She stated that the trailer would be placed inside the fence. She stated that there were two price estimates on the fence discussed at the last Commission Meeting. She asked the Commission for direction on the fence for the ball field.

Commissioner Carey stated that fencing around the ball field would cut off free play to children at the ball field.

Commissioner Balius stated that there are outfits that do not have permits playing on the ball field on the weekends.

Mayor Castro stated that he didn't mind fencing the ball field as long as there was an area for children to play.

Commissioner Carey asked where a son and father would go if they wanted to play ball. He stated that there needed to be a safe place for parents and children to go.

Vice-Mayor Daly agreed and stated that they did not want to shut everyone out of the ball field.

Commissioner Balius stated that the code was not being enforced at the ball field. He stated that there were adults playing soccer on the ball field over the weekend.

Mayor Castro stated that something must be done to keep people who do not have a permit from playing on the ball field. He asked Interim Town Manager Cynthia Sementelli to bring back suggestions for keeping non-permitted players off of the ball field.

**Planning & Zoning concerns**

Vice-Mayor Daly explained why he wanted to discuss this item. He stated that the Commission can come together to recognize the Town's boards and allow them to make their feelings known.



## ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Balius and seconded by Vice-Mayor Daly, and by unanimous vote, the meeting adjourned at 8:08 p.m.

  
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Mayor Paul Castro

  
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Deputy Clerk Jessica Shepherd

  
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Town Clerk Vivian Mendez



FLORIDA

Approved on this 17 of January 2007.